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6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 MELVIN KORNBERG, } 2:12:cv-01961-JAD-PAL
10 Plaintiff, }
11 vs. }
12 UNITED STATES OF AMERICA, et al., }
13 Defendant. }
14 _____)

15 **STIPULATED DISCOVERY PLAN AND SCHEDULING ORDER**

16 Plaintiff, above named, by and through his undersigned counsel, KIRK T.
17 KENNEDY, ESQ., and Defendants, above named, represented by and through its
18 undersigned counsel, JUSTIN E. PINGEL, ASSISTANT UNITED STATES
19 ATTORNEY, hereby submit this Stipulated Discovery Plan and Scheduling Order. The
20 parties conducted a Rule 26(f) conference on January 9, 2014.

21 **DESCRIPTION OF ACTION:** This is a negligence action wherein the Plaintiff
22 alleges negligent conduct of the Defendants. Defendant denies all claims for relief.

23 **Proposed Discovery Schedule:**

- 24 1. Estimated time required for discovery: Discovery will take 180 days from the filing of
25 the Defendants' answer on December 23, 2013. The discovery deadline shall be June
26 23, 2014.
27
28 2. Amendment of Pleadings and Addition of Parties: Unless otherwise ordered by the
Court, the date for filing motions to amend the pleadings or to add parties shall not be
later than 90 days prior to the discovery cut-off date, which in this matter is not later than
March 25, 2014.

1 3. The disclosure of experts and expert reports shall occur on or before April 24, 2014,
2 which is 60 days before the discovery cut-off date; and the disclosure of rebuttal experts
3 and their reports shall occur on or before May 26, 2014, which is 30 days after the expert
4 disclosure deadline.

5 4. Interim Status Report: On or before March 25, 2014, the parties shall file an interim
6 status report as required by LR 26-3, stating the time required for trial, three alternative
7 dates of trial, and whether or not trial will be proceeding or affected by substantive
8 motions.

9 5. The parties shall have until July 23, 2014, to file dispositive motions. This is 30 days
10 after the discovery cut-off date and does not exceed the outside limit of thirty (30) days
11 following the discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing
12 dispositive motions.

13 6. The pretrial order shall be filed by August 22, 2014, which is not more than thirty
14 (30) days after the date set for filing dispositive motions in the case. This deadline is
15 suspended if dispositive motions are timely filed and, in such case, the deadline for filing
16 the pretrial order shall be thirty (30) days after decision on said dispositive motions, or
17 by further order of the court. The disclosures required by FRCP Rule 26 (a)(3) shall be
18 made in the joint pretrial order.

19 7. Stipulations regarding limitations or conditions or additional discovery:

20 a. Parties shall engage in all permissible discovery as allowed under FRCP and local
21 rules.

22 8. Extensions of Modifications of the Discovery Plan and Scheduling Order:

23 Applications or motions to extend the discovery plan dates shall comply with the
24 requirements of LR 6-1 and LR 26-4 and shall be filed 21 days prior to the particular
25 deadline sought to be extended. . The motion or stipulation shall include:
26

- 27 a. A statement specifying the discovery completed to date;
28 b. A specific description of the discovery which remains to be completed;
29 c. The reasons why remaining discovery was not completed within the time
30 limits of the existing discovery deadline; and

d. A proposed schedule for the completion of remaining discovery.

9. Settlement: The undersigned attorneys affirm that they have discussed possible settlement of this action as well as the use of extrajudicial procedures or alternative methods of dispute resolution to resolve this case.

/s/Kirk T. Kennedy
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/s/Justin E. Pingel
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Attorney for Defendants

Dated: 1/9/14

Dated: 1/9/14

ORDER

IT IS SO ORDERED.

Dated this ____ day of January, 2014.

UNITED STATES MAGISTRATE JUDGE